

## REMARKS

### Claim Objections

The claims have been amended to correct typographical errors, to remove trade names, clarify and to place them in a format more customary to US patent practice. No new matter has been added.

### Specification

The abstract of the disclosure is objected to because in line 7 the word "for" is incorrectly spelled "fro". A corrected clean form of the abstract is attached.

### Rejections under 35 USC §103

Claims 1-3, and 8-14 are rejected under 35 U.S.C. §103 as being unpatentable over Hayashida et al. (US.5,290,361) in view of Martyak et al. (US. 2004/0092106); Claims 4, and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashida et al. (US. 2,290,361) in view of Martyak et al. (US. 2004/0092106) and further in view of Smith et al. (US. 2005/0042198) and Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashida et al. (US. 2,290,361) in view of Martyak et al. (US. 2004/0092106) as applied to claim 1 above, and further in view of Cooper et al. (US. 6,191,085).

With regards to Martyak et al., it is not prior art against the instant application. Attached hereto is a certified copy of the EP 1567633 priority document (in English), which perfects Applicants' priority date of 11 May 2004. Thus, Applicants respectfully submit that these rejections should be withdrawn.

Hayashida et al. teaches a cleaning solution for surface treatment comprising an alkaline compound such as ammonium hydroxide, hydrogen peroxide, water, chelating additive and a complexing agent such as nitrilotriacetic acid.

As the Examiner correctly notes on page 3 of the Office Action, Hayashida et al.

does not teach a cleaning solution comprising 2,2-Bis(hydroxyethyl)-(iminotris)-(hydroxymehtyl)methane. To remedy this deficiency, the Examiner relies upon Martyak et al. As noted above, Martyak et al. is not prior art.

The Examiner alleges that a skilled worker would be motivated to combine Hayashida et al. and Martyak et al. because they are in the same field of endeavor (i.e., teaching a solution for treating surface of semiconductor substrate). However, Martyak et al., which is not prior art, is also not analogous art. Martyak et al. deals with chemical mechanical polishing (CMP) slurries, i.e. slurries to abrade material from a semiconductor substrate. This is not the same field of endeavor as the present invention, which relates to cleaning solutions to clean the substrate e.g. from contaminations caused by a previous chemical mechanical polishing step, nor does it deal with the same type of problem.

Hayashida et al. (US 5,290,361) does not teach or suggest a surface treatment composition comprising 2,2-Bis(hydroxyethyl)-(iminotris)-(hydroxymethyl)methane or 2,2-Bis-(hydroxyethyl)-(iminotris)-(hydroxymethyl ) methane and nitrilotriacetic acid.

Smith et al. (US 2005/0042198 A1), which relates to contact lens cleaning, is also clearly non-analogous art. Additionally, Smith does not cure the deficiencies of Hayashida et al. since neither reference teaches or suggests a cleaning solution comprising 2,2-Bis-(hydroxyethyl)-(iminotris)-(hydroxymethyl)methane [Bis Tris].

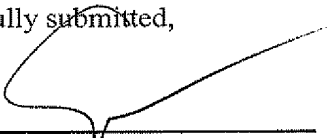
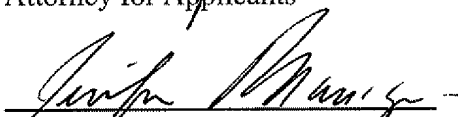
Cooper et al. (US. 6,191,085), teaches a cleaning solution, which contains a chelating agent. Cooper does not remedy what is lacking in Hayashida et al.

Hayashida et al., Smith et al. and Cooper et al. do not teach or suggest a cleaning solution comprising 2,2-Bis-(hydroxyethyl)-(iminotris)-(hydroxymethyl)methane [Bis Tris]. They are particularly silent regarding a cleaning solution comprising 2,2-Bis-(hydroxyethyl)-(iminotris)-(hydroxymethyl)methane [Bis Tris] and nitrilotriacetic acid.

Thus, based on the above comments it is respectfully requested that the rejection under 35 USC §103 be withdrawn.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
\_\_\_\_\_  
Anthony J. Zelano, Reg. No. 27,969  
Attorney for Applicants  
\_\_\_\_\_  
Jennifer Branigan, Reg. No. 40,921  
Agent for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
Arlington Courthouse Plaza 1  
2200 Clarendon Boulevard, Suite 1400  
Arlington, VA 22201  
Direct Dial: 703-812-5311  
Facsimile: 703-243-6410  
Attorney Docket No.: BASF-0021  
(Previously MERCK-3010)  
Date: **11 January 2008**  
jjb:K:\BASF\21\New Folder\Reply Jan 08.doc